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6 **BEFORE THE**
7 **BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. VN-2008-2073

11 **BRIDGET WEBSTER PETTAWAY**
12 **13332 S. Oleander Avenue**
13 **Compton, CA 90222**
14 **Vocational Nurse License No. VN 183296**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

15 Respondent.

16 **FINDINGS OF FACT**

17 1. On or about January 13, 2011, Complainant Teresa Bello-Jones, J.D., M.S.N., R.N.,
18 in her official capacity as the Executive Officer of the Board of Vocational Nursing and
19 Psychiatric Technicians, Department of Consumer Affairs, filed Accusation No. VN-2008-2073
20 against Bridget Webster Pettaway ("Respondent") before the Board of Vocational Nursing and
21 Psychiatric Technicians.

22 2. On or about January 6, 1998, the Board of Vocational Nursing and Psychiatric
23 Technicians ("Board") issued Vocational Nurse License No. VN 183296 to Respondent. The
24 Vocational Nurse License was in full force and effect at all times relevant to the charges brought
25 herein and will expire on April 30, 2011, unless renewed. Pursuant to Business and Professions
26 Code section 118, subdivision (b), a lapse in licensure does not deprive the Board of its authority
27 to institute or continue this disciplinary proceeding.
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1 3. On or about January 13, 2011, Respondent was served by Certified and First Class
2 Mail copies of the Accusation No. VN-2008-2073, Statement to Respondent, Notice of Defense,
3 Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6,
4 and 11507.7) at Respondent's address of record which, pursuant to Business and Professions
5 Code section 136 is required to be reported and maintained with the Board. Respondent's address
6 on record with the Board was and is:

7 **13332 S. Oleander Avenue**
8 **Compton, CA 90222.**

9 4. Service of the Accusation was effective as a matter of law under the provisions of
10 Government Code section 11505, subdivision (c) and Business & Professions Code section 124.

11 5. The domestic return receipt, containing the aforementioned documents served via
12 Certified Mail, was returned to the Board by the U.S. Postal Service indicating that the documents
13 were delivered to the address on record with the Board.

14 6. Government Code section 11506 states, in pertinent part:

15 (c) The respondent shall be entitled to a hearing on the merits if the respondent
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts
17 of the accusation not expressly admitted. Failure to file a notice of defense shall
18 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
19 may nevertheless grant a hearing.

20 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
21 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. VN-
22 2008-2073.

23 8. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the
25 hearing, the agency may take action based upon the respondent's express admissions
26 or upon other evidence and affidavits may be used as evidence without any notice to
27 respondent.

28 9. Pursuant to its authority under Government Code section 11520, the Board finds
Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Investigatory Evidence Packet in this matter,
as well as taking official notice of all the investigatory reports, exhibits and statements contained

1 therein on file at the Board's offices regarding the allegations contained in Accusation No. VN-
2 2008-2073, finds that the charges and allegations in Accusation No. VN-2008-2073, are
3 separately and severally true and correct by clear and convincing evidence.

4 10. Taking official notice of its own internal records, pursuant to Business and
5 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
6 and Enforcement is \$642.50 as of February 3, 2011.

7 DETERMINATION OF ISSUES

8 1. Based on the foregoing findings of fact, Respondent Bridget Webster Pettaway has
9 subjected her Vocational Nurse License No. VN 183296 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Vocational Nursing and Psychiatric Technicians is authorized to revoke
12 Respondent's Vocational Nurse License based upon the following violations alleged in the
13 Accusation which are supported by the evidence contained in the Default Decision Investigatory
14 Evidence Packet in this case:

15 **a. Criminal Convictions.** Respondent is subject to disciplinary action under
16 section 2878, subdivision (f), and section 490 of the Code, as defined by California Code of
17 Regulations, title 16, section 2521, in that Respondent was convicted of crimes substantially
18 related to the qualifications, functions or duties of a licensed vocational nurse as follows:

19 i. On or about March 19, 2009, in the criminal matter entitled *People v. Bridget*
20 *Pettaway* (San Bernardino County Superior Court 2009 Case No. FVA900204) Respondent was
21 convicted of two felony counts of assault with a deadly weapon, a violation of California Penal
22 Code section 245 subdivision (a)(1). Respondent was sentenced to prison for a period of two
23 years. Both of the convictions constitute strike offenses and are serious felonies under California
24 Penal Code section 1192.7, subdivision (c). The basis for the convictions is that on or about
25 January 30, 2009, while driving her Dodge Durango, Respondent, repeatedly rammed her vehicle
26 into the vehicle that her ex-boyfriend was driving, causing her ex-boyfriend's vehicle to crash.
27 After his vehicle became inoperable, the ex-boyfriend fled from the vehicle. Respondent
28

continued to pursue her ex-boyfriend and attempted to ram him with her vehicle while he was fleeing on foot.

b. Unprofessional Conduct. Respondent is subject to disciplinary action under section 2878 (a) of the Code, in that Respondent engaged in unprofessional conduct. Complainant refers to the allegations set forth in paragraph 3, subdivision (a)(i) above, and herein incorporated by reference as though set forth fully.

ORDER

IT IS SO ORDERED that Vocational Nurse License No. VN 183296, heretofore issued to Respondent Bridget Webster Pettaway, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on April 22, 2011

It is so ORDERED March 23, 2011

FOR THE BOARD OF
VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS

DOJ Matter ID:LA2010601412
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FILED

JAN 13 2011

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-2073

**BRIDGET WEBSTER PETTAWAY
13332 S. Oleander Avenue
Compton, CA 90222
Vocational Nurse License No. VN 183296**

A C C U S A T I O N

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about January 6, 1998, the Board of Vocational Nursing and Psychiatric Technicians issued Vocational Nurse License Number VN 183296 to Bridget Webster Pettaway ("Respondent"). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2011. unless renewed.

JURISDICTION

3. This Accusation is brought before the Board of Vocational Nursing and Psychiatric Technicians ("Board"), under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

STATUTORY PROVISIONS

4. Section 490 of the Code provides:

"(a) In addition to any other action that a board is permitted to take against a licensee, a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

(b) Notwithstanding any other provision of law, a board may exercise any authority to discipline a licensee for conviction of a crime that is independent of the authority granted under subdivision (a) only if the crime is substantially related to the qualifications, functions, or duties of the business or profession for which the licensee's license was issued.

(c) A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere. Any action that a board is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code."

5. Section 2875 of the Code provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

6. Section 2878 of the Code provides, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

...

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction."

1 **REGULATORY PROVISIONS**

2 7. California Code of Regulations, title 16, section 2521, provides, in pertinent part:

3 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
4 (commencing with Section 475) of the Business and Professions Code, a crime or act shall be
5 considered to be substantially related to the qualifications, functions or duties of a licensed
6 vocational nurse if to a substantial degree it evidences present or potential unfitness of a licensed
7 vocational nurse to perform the functions authorized by his license in a manner consistent with
8 the public health, safety, or welfare. . . "

9 **COST RECOVERY**

10 8. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
11 administrative law judge to direct a licensee found to have committed a violation or violations of
12 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 **FIRST CAUSE FOR DISCIPLINE**

15 **(Criminal Convictions)**

16 9. Respondent is subject to disciplinary action under section 2878, subdivision (f), and
17 section 490 of the Code, as defined by California Code of Regulations, title 16, section 2521, in
18 that Respondent was convicted of crimes substantially related to the qualifications, functions or
19 duties of a licensed vocational nurse as follows:

20 10. On or about March 19, 2009, in the criminal matter entitled *People v. Bridget*
21 *Pettaway* (San Bernardino County Superior Court 2009 Case No. FVA900204) Respondent was
22 convicted of two felony counts of assault with a deadly weapon, a violation of California Penal
23 Code section 245 subdivision (a)(1). Respondent was sentenced to prison for a period of two
24 years. Both of the convictions constitute strike offenses and are serious felonies under California
25 Penal Code section 1192.7, subdivision (c). The basis for the convictions is that on or about
26 January 30, 2009, while driving her Dodge Durango, Respondent, repeatedly rammed her vehicle
27 into the vehicle that her ex-boyfriend was driving, causing her ex-boyfriend's vehicle to crash.
28 After his vehicle became inoperable, the ex-boyfriend fled from the vehicle. Respondent

1 continued to pursue her ex-boyfriend and attempted to ram him with her vehicle while he was
2 fleeing on foot.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

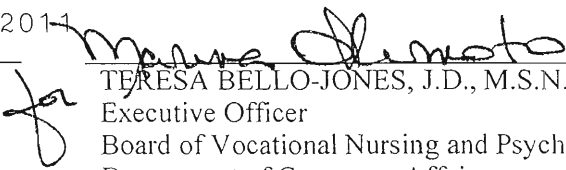
5 11. Respondent is subject to disciplinary action under section 2878 (a) of the Code, in
6 that Respondent engaged in unprofessional conduct. Complainant refers to the allegations set
7 forth in paragraph 10, above, and herein incorporated by reference as though set forth fully.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Vocational Nursing and Psychiatric Technicians
11 issue a decision:

- 12 1. Revoking or suspending Vocational Nurse License Number VN 183296, issued to
13 Bridget Webster Pettaway;
- 14 2. Ordering Bridget Webster Pettaway to pay the Board of Vocational Nursing and
15 Psychiatric Technicians the reasonable costs of the investigation and enforcement of this case,
16 pursuant to Business and Professions Code section 125.3;
- 17 3. Taking such other and further action as deemed necessary and proper.
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20 DATED: January 13, 2011

21 
22 TERESA BELLO-JONES, J.D., M.S.N., R.N.
23 Executive Officer
24 Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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